

SUPREME COURT OF THE STATE OF NEW
YORK COUNTY OF ONEIDA

Index No.: _____/19

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JANE DOE,Plaintiff designates
ONEIDA COUNTY
as place of trial.

Plaintiff,

-against -

The basis of venue is
Defendants' principal place
of businessSTOKES ELEMENTARY SCHOOL, ROME CITY
SCHOOL DISTRICT and MICHAEL CARLETTA,SUMMONSPlaintiff resides in Oneida
CountyDefendants.
-----X

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, ONEIDA COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

STOKES ELEMENTARY SCHOOL

9095 Turin Road

Rome, New York 13440

ROME CITY SCHOOL DISTRICT

409 Bell Rd,

Rome, NY 13440

MICHAEL CARLETTA

6266 Hawkins Corner Rd # 1

Rome, NY 13440

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONEIDA

Index No.:

_____/19

-----X
JANE DOE,

Plaintiff,

-against -

STOKES ELEMENTARY SCHOOL, ROME
CITY SCHOOL DISTRICT and MICHAEL
CARLETTA,**VERIFIED
COMPLAINT**Defendants.
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Plaintiff¹ above named, complaining of the defendants, by **MERSON LAW,**
PLLC., respectfully allege(s):

NATURE OF THE CLAIM

1. This is a case of a sexual predator, Michael Carletta, using his position as a band teacher to sexually abusing a young 11-year old student, Jane Doe.
2. Mr. Carletta was Jane Doe's band teacher at Stokes Elementary School from approximately 1989 to 1990. Mr. Carletta was aware of Ms. Doe's difficult home life, and targeted her for his predatory behavior.
3. Throughout the abuse, Mr. Carletta would grope Ms. Doe's breasts, spread her legs, rubbed himself on her, straddled her, digitally penetrated her vagina and put his genitals on her.
4. Mr. Carletta targeted other students with similarly difficult home lives to Ms. Doe for his predatory behavior.
5. The defendant school knew of or should have known of the long-term abuse that Ms. Doe and other women were suffering at the hands of one of its teachers.
6. The abuse was open and obvious and known by many students, teachers, staff and administrators. After the abuse was reported, the defendant school blamed Ms. Doe,

¹ Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

forced her to be in a separate self-contained class room and sent her to another school to keep her away from other students, but merely offered Mr. Carletta retirement with no criminal charges filed against him.

7. Despite Mr. Carletta being a known predator who abused multiple children, Stokes Elementary School covered up the abuse to protect the school's reputation. In fact, because the school failed to take legitimate action against Mr. Carletta, he continued on to work at a Pre-K school and teaching private lessons.
8. Ms. Doe brings this lawsuit to recover for the emotional and physical suffering she incurred because of the negligence of Stokes Elementary School and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

PARTIES

9. At all times herein mentioned, defendant **STOKES ELEMENTARY SCHOOL** was a domestic school organized and authorized to do business in the State of New York.
10. At all times herein mentioned, defendant **STOKES ELEMENTARY SCHOOL** was located at 9095 Turin Road, Rome, New York 13440.
11. At all times herein mentioned, defendant **MICHAEL CARLETTA** was a teacher at **STOKES ELEMENTARY SCHOOL** operating under the direction and control of defendant **STOKES ELEMENTARY SCHOOL**, and its agents, servants and/or employees.
12. At all times herein mentioned, defendant **MICHAEL CARLETTA** was an agent, servant and/or employee of defendant **STOKES ELEMENTARY SCHOOL**.
13. At all times herein mentioned, defendant **ROME CITY SCHOOL DISTRICT** was a domestic school organized and authorized to do business in the State of New York.

14. At all times herein mentioned, defendant **ROME CITY SCHOOL DISTRICT** was located at 409 Bell Rd, Rome, NY 13440.
15. At all times herein mentioned, defendant **MICHAEL CARLETTA** was an agent, servant and/or employee of at **ROME CITY SCHOOL DISTRICT** operating under the direction and control of defendant **ROME CITY SCHOOL DISTRICT**, and its agents, servants and/or employees.

FACTS OF THE CASE

16. Defendants **STOKES ELEMENTARY SCHOOL** and **ROME CITY SCHOOL DISTRICT (hereinafter "school")** negligence and recklessness caused Mr. Carletta to continuously sexually abuse Ms. Doe, an eleven year old student, and other female students with difficult home lives.
17. From approximately 1989 and continuing until approximately 1990, Mr. Carletta sexually abused Ms. Doe on **STOKES ELEMENTARY SCHOOL's** campus.
18. During the abuse, Mr. Carletta fondled Ms. Doe's breasts, spread her legs, rubbed himself on her, digitally penetrated her, straddled her, and put his genitals on her.
19. Ms. Doe's reported the abuse to her parents and a school counselor. The school failed to file criminal charges. The school merely offered Mr. Carletta retirement where he was permitted to go on to work with other children and continue his predatory acts.
20. Instead, The School disciplined eleven year old Jane Doe for the abuse she suffered by segregating her from the rest of the school, putting her in a self-contained class, and sending her to another school to keep her away from the other students and The School knew or should have known that Mr. Carletta was sexually abusing Jane Doe and other students.
21. Upon information and belief, Mr. Carletta sexually abused other students.

22. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant's negligence in undertaking a duty in loco parentis to keep its students safe from predators and failing to act in accord with that duty by allowing Mr. Carletta, to continue his role where he had the access and the means to prey on young girls like Ms. Doe.
23. Additionally, due to the intentional, malicious and predatory acts of Mr. Carletta, Ms. Doe suffered and continues to suffer catastrophic and lifelong injuries.

AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS TO STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT

24. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 23. inclusive, with the same force and effect as if hereinafter set forth at length.
25. At all times mentioned herein, defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** owed a duty of care in loco parentis to keep the students in its school safe from sexual abuse by its teachers under its supervision and control that ultimately befell the Plaintiff.
26. At all times herein mentioned, defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** owed a duty of care to properly supervise its teachers to ensure that its students were not being abused by teachers on its campus.
27. At all times mentioned herein, defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
28. As a result of the negligence of defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** and/or their agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and

suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

29. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
30. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
31. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
32. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO STOKES ELEMENTARY SCHOOL and
ROME CITY SCHOOL DISTRICT**

33. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 32. inclusive, with the same force and effect as if hereinafter set forth at length.
34. Defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT**, had a duty to supervise and prevent known risks of harm to its students.
35. Defendants were negligent in hiring, retaining and supervising defendant **MICHAEL CARLETTA** and other school officials, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge, skill and moral character of school officials who should have properly been supervising the teachers and students to ensure the safety of the students.
36. Defendant **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** knew or should have known that defendant **MICHAEL CARLETTA** sexually assaulted plaintiff and/or had the capacity and/or propensity to do so.

37. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
38. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
39. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
40. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
41. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS AS TO STOKES ELEMENTARY SCHOOL and ROME
CITY SCHOOL DISTRICT**

42. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 41., inclusive, with the same force and effect as if herein set forth at length.
43. Defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mr. Carletta, the teacher who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
44. Defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** and their agents, servants and/or employees knew or reasonably should have

known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

45. Defendants have the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mr. Carletta.
46. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Mr. Carletta sexually abusing Plaintiff.
47. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
48. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
49. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
50. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR A FOURTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS AS TO STOKES ELEMENTARY SCHOOL and
ROME CITY SCHOOL DISTRICT

51. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 50., inclusive, with the same force and effect as if hereafter set forth at length.
52. Defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** engaged in outrageous conduct towards plaintiff, **JANE DOE**, with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress by covering up Mr. Carletta's actions, failing to file a report with the police regarding the assault, forcing Ms. Doe into a self-contained

classroom, and forcing Ms. Doe to eventually switch school to be kept away from her classmates.

53. As a proximate result of the aforementioned assaults, batteries, and other violations committed against Plaintiff, she has suffered and continues to suffer extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.
54. Defendants **STOKES ELEMENTARY SCHOOL and ROME CITY SCHOOL DISTRICT** committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of injuring plaintiff **JANE DOE**, from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
55. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
56. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS FOR A FIFTH CAUSE OF ACTION FOR INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS AS TO MICHAEL CARLETTA**

57. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 56., inclusive, with the same force and effect as if hereafter set forth at length.
58. Defendant **MICHAEL CARLETTA** engaged in outrageous conduct towards plaintiff, **JANE DOE**, with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress by sexually assaulting her at the age of eleven at school.
59. As a proximate result of the aforementioned assaults, batteries, and other violations committed against Plaintiff, she has suffered and continues to suffer extreme mental

distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.

60. Defendant **MICHAEL CARLETTA** committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of injuring plaintiff **JANE DOE**, from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
61. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
62. This action falls within the exceptions to Article 16 of the C.P.L.R.

AND AS FOR THE SIXTH CAUSE OF ACTION FOR ASSAULT

AS TO MICHAEL CARLETTA

63. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. Through 62., inclusive, with the same force and effect as if herein set forth at length.
64. Defendant **MICHAEL CARLETTA's** predatory, abusive, manipulative and unlawful acts against Ms. Doe, created a reasonable apprehension in Ms. Doe of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant **MICHAEL CARLETTA** to plaintiff without plaintiff's consent.
65. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, serious and severe psychological injuries and emotional distress, mental anguish, embarrassment and humiliation.
66. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in effort to cure herself of her injuries and

to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

67. By reason of the foregoing, plaintiff **JANE DOE** is entitled to compensatory damages from defendant **MICHAEL CARLETTA** in such sums a jury would find fair, just and adequate, and the plaintiff, Ms. Doe, is further entitled to punitive and exemplary damages from defendant **MICHAEL CARLETTA** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
68. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
69. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR THE SEVENTH CAUSE OF ACTION FOR BATTERY

AS TO MICHAEL CARLETTA

70. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 69., inclusive, with the same force and effect as if herein set forth at length.
71. When Ms. Doe was approximately eleven years old, defendant **MICHAEL CARLETTA** confined Ms. Doe in his office and unlawfully sexually abused her by fondling Ms. Doe and otherwise sexually abusing her.
72. Defendant **MICHAEL CARLETTA's** unlawful, abusive, manipulative, and predatory acts against Ms. Doe, amounted to a series of harmful and offensive contacts to plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
73. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, psychological injury, pain and


suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

74. By reason of the foregoing, plaintiff **JANE DOE** is entitled to compensatory damages from defendant **MICHAEL CARLETTA** in such sums a jury would find fair, just and adequate, and the plaintiff, Ms. Doe, is further entitled to punitive and exemplary damages from defendant **MICHAEL CARLETTA** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
75. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
76. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

 MERSON LAW, PLLC

By: 
Jordan K. Merson
Sarah R. Cantos
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONEIDA****Index No.:**

_____/19

-----X
JANE DOE,**Plaintiff,****-against -****ATTORNEY
VERIFICATION****STOKES ELEMENTARY SCHOOL, ROME
CITY SCHOOL DISTRICT and MICHAEL
CARLETTA,****Defendants.**-----X
JORDAN K. MERSON, an attorney duly admitted to

practice in the Courts of New York

State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the
within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same
is true to his own knowledge, except as to the matters therein stated to be alleged upon
information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the
file.

That the reason this verification is made by affirmant and not by the plaintiff is that the
plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019_____
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONEIDA

JANE DOE,

Plaintiff,

-against-

STOKES ELEMENTARY SCHOOL, ROME
CITY SCHOOL DISTRICT and MICHAEL CARLETTA,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone
150 East 58th Street 34th Fl.
New York, New York 10155
(212) 603-9100

To: All Parties
